

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 537 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

MADARSINH JILUBHA VAGHELA

Versus

STATE OF GUJARAT

Appearance:

MR NAVIN K PAHWA for Petitioner

Mr. K.T. Dave, A.P.P. for the State.

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 22/06/1999

ORAL JUDGEMENT

Rule. Mr. K.T. Dave, ld. A.P.P. waives service of rule on behalf of the respondent-State.

The petitioner has prayed for appropriate direction to the respondent to handover possession of the Muddamal tractor bearing Registration no.GJ-12-F-8647 to the petitioner. It is contended by the petitioner that

the petitioner is the owner of the said tractor. That the said tractor was seized as Muddamal by the Police at Rapar Police Station in respect to CR no. I 78/98. That Revision Application no.31/99 filed in Sessions Court at Bhuj did not bring the result and hence, the petition.

The parties have not pressed for a reasoned order. Hence, looking to the facts and circumstances of the case, the following order is passed:

The respondent no.2 is directed to handover the Muddamal tractor bearing registration no.GJ-12-F-8647 to the petitioner within a period of four weeks from the date of the order on the petitioner executing a bond of Rs.30,000/-. The bond shall contain a condition that the petitioner shall produce the said tractor as and when required and shall not transfer or part with the possession thereof.

Rule is made absolute accordingly. Direct service is permitted.

(A.K.Trivedi,J.)